Canadian International Trade Tribunal

2009-2010

Departmental Performance Report

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Minister of Finance

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SECTION I—TRIBUNAL OVERVIEW

Chairperson's Message

I am pleased to present the 2009-2010 Departmental Performance Report (DPR) for the Canadian International Trade Tribunal (the Tribunal).

The Tribunal's mandate is to provide the fair, transparent, timely and effective disposition of international trade cases, government procurement reviews and other matters in various areas of the Tribunal's jurisdiction. The Tribunal conducts inquiries into complaints relating to unfair trade (i.e. dumping and subsidizing), requests for protection from rapid increases in imports (safeguards) and complaints regarding federal government procurement. The Tribunal hears appeals from decisions of the Minister of National Revenue under the *Excise Tax Act* and of the Canada Border Services Agency (CBSA) under the *Customs Act* or the *Special Import Measures Act* (*SIMA*). In its advisory role, the Tribunal undertakes general economic inquiries for the Governor in Council and tariff references for the Minister of Finance. As this DPR illustrates, the Tribunal's activities and initiatives contribute to Canada's competitiveness and to a fair and secure marketplace.

During the last 12 months, members and staff of the Tribunal successfully managed an exceptionally large number of cases. Indeed, as the economy started to recover after the 2008-2009 recession, the Tribunal experienced an increase in the number of trade remedies cases brought by industries alleging injury caused by dumped and subsidized imports. The Tribunal also experienced a significant increase in the number of procurement complaints because of the increase in government procurement resulting from Canada's Economic Action Plan and from a greater awareness, in the marketplace, of the Tribunal's existence.

Coming into 2009-2010, the Tribunal was carefully monitoring an increase in the volume of trade remedies and procurement cases. With a requirement to process cases within statutory deadlines and limited scope for increasing capacity through internal resources, the Tribunal submitted a request for additional funding from the Treasury Board Management Reserve. The Tribunal received supplementary funding starting in the fourth quarter of 2009-2010 and continuing through to fiscal year 2011-2012.

In 2009-2010, the Tribunal's supporting priority remained that of continuous improvement. In this regard, the Tribunal targeted initiatives under three broad categories: investment in its people, sound management practices and improved service delivery.

In particular, the Tribunal continued to invest in its people by encouraging learning and skills development for all employees. Sound management practices were further reinforced through the implementation of the recommendations from the 2008-2009 Management Accountability Framework final report. In addition, the Tribunal started to develop a more integrated information management system to track case work, case statistics and the Tribunal's performance. Through these initiatives, the Tribunal has been committed to advancing government priorities by enhancing its services to Canadians, improving its accountability and ensuring the transparency of its operations.

André F. Scott
Chairperson

Raison d'être

The Tribunal provides Canadian and international businesses with access to fair, transparent and timely processes for the investigation of trade remedy cases and complaints concerning federal government procurement and for the adjudication of appeals on customs and excise matters. At the request of the Government, the Tribunal provides advice in tariff, trade, commercial and economic matters.

Responsibilities

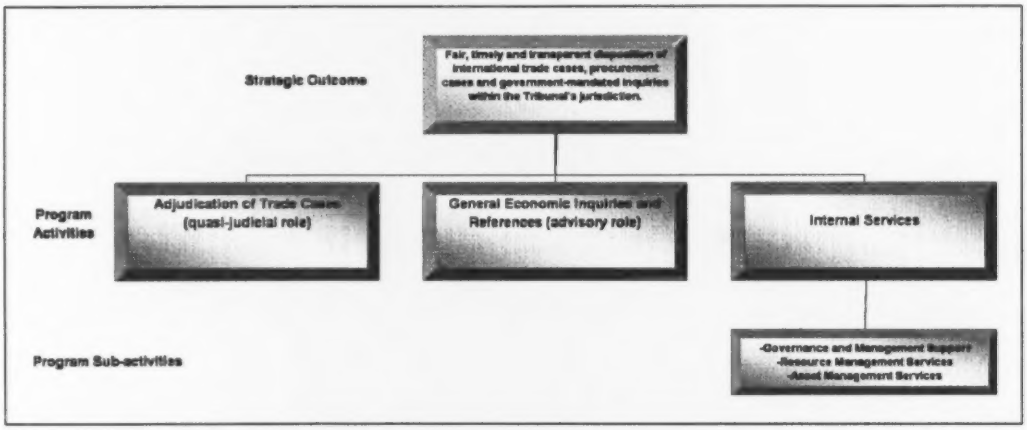
The Tribunal was established in December 1988 under the *Canadian International Trade Tribunal Act* (*CITT Act*). It acts as an independent, investigative and quasi-judicial decision-making body that reports to Parliament through the Minister of Finance. The Tribunal also derives authority from *SIMA*, the *Customs Act* and the *Excise Tax Act*. The Tribunal's office is located in Ottawa, Ontario.

The Tribunal fulfils the following roles within the Government of Canada:

- inquires, under SIMA, into whether dumped or subsidized imports have caused, or are threatening to cause, injury to a domestic industry;
- inquires into complaints by potential suppliers concerning procurement by the federal government that is covered by the *North American Free Trade Agreement*, the *Agreement on Internal Trade*, the World Trade Organization (WTO) *Agreement on Government Procurement*, the *Canada-Chile Free Trade Agreement* and the *Canada-Peru Free Trade Agreement*;
- hears appeals of decisions of the CBSA made under the *Customs Act* and *SIMA* and of the Minister of National Revenue under the *Excise Tax Act*;
- inquires into and provides advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance;
- investigates requests from Canadian producers for tariff relief on imported textile inputs used in their production operations and to make recommendations to the Minister of Finance on the requests; and
- undertakes safeguard inquiries into complaints by domestic producers that increased imports are causing, or threatening to cause, injury to domestic producers and, as directed, makes recommendations to the Government on an appropriate remedy.

Strategic Outcome and Program Activity Architecture

The chart below illustrates the Tribunal's complete framework of program activities. The Tribunal has no program sub-activities except under internal services.


Strategic Outcome
Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.
Program Activities
Adjudication of Trade Cases (quasi-judicial role)
General Economic Inquiries and References (advisory role)
Internal Services
Program Sub-activities
-Governance and Management Support
-Resource Management Services
-Asset Management Services

Summary of Performance

The Tribunal's financial and human resources had a direct impact on its ability to achieve its strategic outcome and deliver on its program activities. The following sections highlight the Tribunal's performance and demonstrate linkages between resources and results.

Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
9,530	11,277	10,952

During the 2009-2010 fiscal year, the Tribunal's planned spending was $9.5 million. Through the Main Estimates and Supplementary Estimates, the Tribunal was allocated total authorities of $11.3 million, of which $0.5 million was additional funding from the Treasury Board Management Reserve. Actual spending for the Tribunal was almost $11 million.

Human Resources (FTE)

Planned	Actual	Difference
82	78	4

As per the 2009-2010 Main Estimates, the Tribunal originally planned to operate with 77 full-time equivalents (FTEs). Additional funding from the Treasury Board Management Reserve received during fiscal year 2009-2010 allowed the Tribunal to increase its FTEs to 82. The Tribunal actually utilized 78 FTEs in 2009-2010, up from

73 in 2008-2009. A variance of 4 FTEs can be attributed to delays associated with finalizing competitive recruitment processes and to normal attrition issues associated with staff. Also, to achieve a good working level at a rapid pace, recruitment was offset to ensure good mentoring, and guidance was provided for all new employees.

Strategic Outcome 1: Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.		
Performance Indicators	**Targets**	**Performance Summary**
Tribunal decisions overturned by the Federal Court of Appeal or international appeal bodies.	Less than 2 percent of all decisions rendered are overturned by the Federal Court of Appeal or international appeal bodies.	Met all
Tribunal decisions overturned by the Federal Court of Appeal or international appeal bodies for reasons of "due process".	Less than 1 percent of all decisions rendered are overturned by the Federal Court of Appeal or international appeal bodies on judicial review dealing specifically with "due process".	Exceeded
Tribunal notices, decisions and guidelines are accessible to the public.	All notices, decisions and guidelines for all areas of its mandate and practice notices are accessible to the public through the Tribunal's Web site, the *Canada Gazette* and/or MERX (Canada's electronic tendering service).	Met all
Decisions are issued within statutory deadlines.	All decisions are issued within statutory deadlines.	Met all
Appeal decisions are issued within internal deadlines.	Seventy percent of decisions on appeals are issued within internal deadlines.	Met all
Recommendations meet the terms of reference and provide requested information.	All recommendations and reports meet the terms of reference and provide requested information.	Met all
Reports, determinations and recommendations are published within Government-mandated deadlines.	All reports and recommendations to the Government or the Minister of Finance are published within the statutory deadlines.	Met all

Summary of achievements against priorities

- The Tribunal met its targets for issuing all decisions within statutory deadlines, making information available to the public and making sound decisions. The Tribunal exceeded its performance target on "due process".
- The Tribunal met its target in meeting internal deadlines for the issuance of appeal decisions.
- The Tribunal met its target for providing complete reports and recommendations to the Minister of Finance under the textile tariff reference. It met its target for providing timely reports and recommendations.

Financial Resources by Program Activity ($ thousands)

Program Activity[1]	Actual Spending 2008-2009[2]	2009-2010				Alignment to Government of Canada Outcomes
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Adjudication of Trade Cases (quasi-judicial role)	9,664	6,071	6,071	7,104	6,899	Fair and secure marketplace
General Economic Inquiries and References (advisory role)	155	88	88	113	110	Fair and secure marketplace
Internal Services	-	3,371	3,371	4,060	3,943	
Total	**9,819**	**9,530**	**9,530**	**11,277**	**10,952**	

1. For program activity descriptions, please access the Main Estimates online at http://www.tbs-sct.gc.ca/est-pre/estime.asp.
2. Starting in the 2009-2010 Estimates Cycle, the resources for Internal Services are displayed separately from other program activities; they are no longer distributed between the remaining program activities, as was the case in previous Main Estimates. This change affects the comparability of spending and FTE information by program activity between fiscal years.

Contribution of the Tribunal's Priorities to its Strategic Outcome

Operational Priorities	Type	Status	Link to Strategic Outcome
I—Process Cases Within Statutory Deadlines and Maintain Quality Standards	Ongoing	**Met all** The primary objective was to ensure that statutory deadlines were met and that the quality of the Tribunal's findings, determinations and recommendations were not compromised during a particularly busy year. The Tribunal met this objective by focusing on the core areas of its mandate and on effective workforce planning, which included selecting and prioritizing initiatives that optimized resources and operational efficiencies. The Tribunal secured additional funding for the period starting in the fourth quarter of 2009-2010 and continuing through to fiscal year 2011-2012 to help manage the increase in workload relating to the global economic recession.	The Tribunal's overriding priority is to hear cases and to make sound decisions on matters that fall within its jurisdiction, within legislative and internal deadlines. In so doing, the Tribunal supports a fair marketplace in Canada, maintains its strong reputation both within Canada and throughout the world and complies with its legislative requirements.
II—Improve Service Delivery	Ongoing	**Mostly met** Continuous improvement in service delivery remained a priority for the Tribunal in 2009-2010. The improvements were as follows. • The Tribunal finalized its business continuity plan (BCP) for all its branches and assigned selected staff to participate in a training exercise to practice its implementation. The Tribunal's BCP will contribute to the continuity of the Tribunal's services to the public. • During the last fiscal year, the Tribunal continued to work with the CBSA to streamline the expiry review process in order to improve service delivery and efficiency by examining different options to alleviate the burden on questionnaires' respondents.	The Tribunal continues to provide efficient and reliable services for parties and their counsel. It also provides secure, efficient and reliable information technology services (IT) to members and staff. It protects at all times personal and confidential information and applies regular process improvements to all these services. These measures ensure the security and availability of information held by the Tribunal.

Operational Priorities	Type	Status	Link to Strategic Outcome
		• The Tribunal continued to work on the ToolKit system (electronic compilation of the administrative record) to strengthen its information management for cases. • The review of the IT Strategy and Architecture Plan has been postponed until 2010-11 to allow the Tribunal to finalize its Integrated IT plan, which was completed in 2009-2010. The Integrated IT plan will serve as a roadmap for the development of the IT Strategy and Architecture Plan.	

Management Priorities	Type	Status	Link to Strategic Outcome
I—Invest in Its People	Ongoing	**Met all** The Tribunal uses a comprehensive approach to focus on professional development, in-house training material, succession planning and continuous learning to keep its employees' skills current. In 2009-2010, the Tribunal's investment in its people was as follows. • The Tribunal drafted and started implementation of its 2009-2012 Integrated Human Resources Plan to recruit, train and retain its staff. The HR plan is a live working document that the Tribunal is constantly reviewing and adjusting • Individual learning plans have been developed for most employees on an annual basis. Learning profiles based on occupations are being prepared to ensure uniformity in professional development based on recent government trends. Currently, we have three developmental programs in place at the Tribunal to help promote learning in the organization.	The Tribunal's reputation of excellence depends largely on its highly specialized workforce working closely together to deliver on its mandate. The Tribunal continues to encourage a positive, healthy and respectful work environment and to offer professional development opportunities with an emphasis on learning, knowledge transfer, and career and succession planning. The Tribunal also continues to offer an inclusive barrier-free selection and appointment process reflective of the Canadian population. These measures contribute to the long-term operational requirements of the Tribunal.

Management Priorities	Type	Status	Link to Strategic Outcome
		• The Tribunal offered seminars on processes and issues in trade remedies, procurement review and appeal cases for its staff. • Case teams were carefully formed to include experienced and new staff in order to facilitate on-the-job training and knowledge transfer.	
II—Sound Management	Ongoing	**Met all** Promoting transparency and supporting overall government-wide management accountability priorities, including the Management Accountability Framework (MAF) and the commitments introduced under the new *Federal Accountability Act*, continue to be priorities for the Tribunal. The projects undertaken in 2009-2010 included the following. • The Tribunal started its implementation of the recommendations resulting from the 2008-2009 MAF final report. The implementation of the management action plan will be completed in 2010-2011. • The Tribunal started to integrate its information management systems, including systems relating to case tracking, case reporting, planning and performance measurement. The integration is well under way and will be fully completed in the first quarter of 2010-2011. • The Tribunal continued to follow its risk-based assessment plan by conducting an independent preliminary review of its internal management of trade remedies and procurement cases. • The Tribunal provided a values and ethics workshop for staff and members to promote and reinforce values and ethics in the workplace.	The Tribunal continues to foster sound management practices in processing Tribunal cases and references and observed all government-wide management accountability priorities, including the MAF and the measures introduced under the *Federal Accountability Act*. In doing so, the Tribunal continues to improve its performance and accountability as a whole.

Risk Analysis

The Tribunal's workload of trade remedies, procurement, and appeal and textile cases is externally generated through complaints filed by companies, which must be handled as soon as they are received and within statutory, government-mandated or internal deadlines. This operating environment presents three challenges for management. First, the actual caseload varies from year to year around the baseline. The caseload depends on factors outside the control of the Tribunal, such as the state of the economy and government priorities. Second, the randomness of when complaints are filed often leads to the bunching of cases, i.e. there are periodic peaks of activity throughout the year that cannot be smoothed out because of statutory deadlines. Third, there is the challenge posed by the relatively small number of trade remedies cases and their high costs. Variations from the norm in terms of the number or size of cases can cause comparatively large swings in work effort.

In terms of risk, 2009-2010 was a transitional year for the Tribunal. Going into the year, the Tribunal recognized that the unanticipated events in financial markets and the ensuing downturn in the global, U.S. and Canadian economies would likely require an upward revision in its estimate of case volumes. Indeed, as the year progressed, the anticipated increase in caseload materialized and the Tribunal was left with few options but to request additional funding to meet the increased workload. As a result, the Tribunal's risks changed throughout the year, as did the mitigation strategies.

In the first half of the year, case activity had already started to increase. This created an important risk with regard to the Tribunal's ability to maintain the quality of decisions and meet deadlines with available resources. To mitigate this risk, the Tribunal reallocated resources from internal services to its business lines to provide more capacity for case work. As well, the Tribunal prioritized trade remedies and procurement cases, which have legislative deadlines, as opposed to other mandates that do not have such deadlines. At the same time, the Tribunal started to invest in improving its processes and capacity for the handling of appeal cases.

In the second half of the year, case activity continued to exceed the Tribunal's benchmark levels. The Tribunal received additional funding to handle the increased workload. The Tribunal's risk evolved and became its ability to maintain quality decisions and meet deadlines while concurrently integrating new resources. The Tribunal responded by moving quickly to implement its Integrated Human Resources Plan for 2009-2012. The components of the plans included a strategy to allocate the new resources to respond as effectively and efficiently as possible to the increased case activity and plans for employee training and development.

Throughout the year, knowledge transfer remained an important risk for the Tribunal. The Tribunal's work requires specialized skills and knowledge, which are acquired over a number of years from training and experience, and includes key elements, such as judgment, values and insight. Knowledge of this type is not easily replaced. In 2009-2010, knowledge transfer was important, in part because of the impending

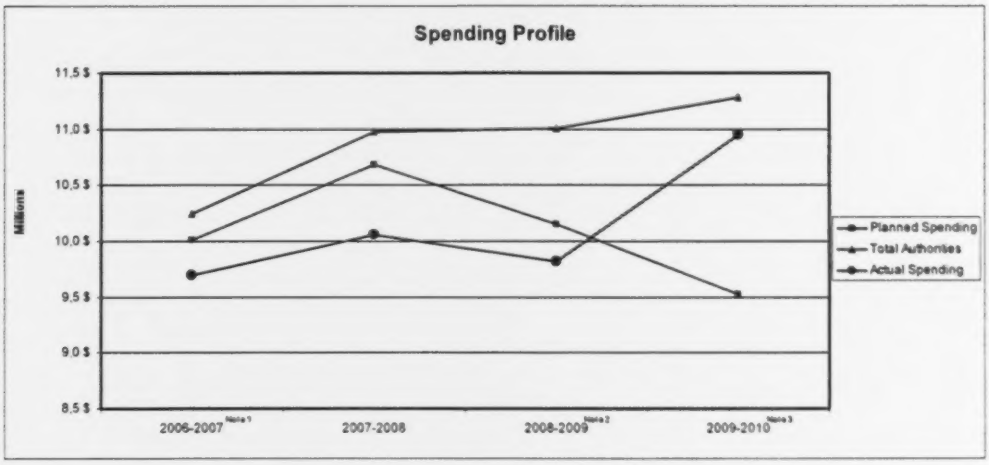
departure of some key staff, but also because of the need to staff above normal levels to meet the increase in case activity. Maintaining continuity of the Tribunal's corporate knowledge required a sustained focus on training and development, recruitment, retention and succession planning. Trainees and junior staff required timely access to orientation and training programs to expedite the knowledge transfer process. As well, case teams were carefully assembled to include a mix of experienced and new staff in order to facilitate knowledge transfer through coaching and mentoring.

Expenditure Profile

Planned and Actual Spending ($ thousands)

	2006-2007	2007-2008	2008-2009	2009-2010
Main Estimates	10,005	10,682	10,152	9,530
Planned Spending	10,005	10,682	10,152	9,530
Total Authorities	10,243	10,980	11,009	11,277
Actual Spending	9,700	10,061	9,819	10,952

For the 2006-2007 to 2009-2010 period, total spending includes all parliamentary appropriation: Main Estimates, Supplementary Estimates and Treasury Board Vote 15, and carry-forward adjustments.



The fluctuations in spending and planned spending since 2006-2007 can be explained by the following three events:

1. In 2007-2008, the Tribunal replaced its aging hearing room audio system for a total actual cost of nearly $340,000.

2. In 2008-2009, $702,000 was placed in a frozen allotment that was unavailable to the Tribunal, as a result of the 2007 Strategic Review. This explains the large variance between total authorities and actual spending.
3. In 2009-2010, in anticipation of additional cases due to the world economic downturn, more resources were allocated to the Tribunal to ensure the Tribunal could maintain its current level of service and would continue to deliver on its mandate. As a result, the Tribunal's actual spending increased by more than $1.1 million compared to 2008-2009, while its total authorities increased by close to $0.3 million.

Voted and Statutory Items

This table illustrates Parliamentary approval of the Tribunal's resources and shows the changes in resources derived from supplementary estimates and other authorities, as well as how funds were spent.

($ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2009-2010 Main Estimates	2009-2010 Planned Spending	2009-2010 Total Authorities	2009-2010 Actual Spending
20	Program Expenditures[1]	8,379	8,379	9,968	9,643
(S)	Contributions to Employee Benefit Plans	1,151	1,151	1,309	1,309
	Total Tribunal	9,530	9,530	11,277	10,952

1. Variance between 2009-2010 Main Estimates and 2009-2010 Actual Spending is attributable to funding of $0.5 million received to help manage the unanticipated workload increase resulting from the world economic downturn, $0.4 million received for operating budget carry-forward and $0.3 million received for salary increases as a result of collective bargaining.

SECTION II—ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

Fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction.

Results under the Tribunal's three distinct program activities are to support its strategic outcome, which, in turn, contributes to Canada's competitiveness and to a fair and secure marketplace. The following section highlights the Tribunal's ongoing work under each program activity and its performance in 2009-2010.

Program Activity 1: Adjudication of Trade Cases (quasi-judicial role)

The Tribunal inquires, under *SIMA*, into whether dumped or subsidized imports have caused, or are threatening to cause, injury to a domestic industry. It also inquires into complaints by potential suppliers concerning procurement by the federal government that is covered by applicable trade agreements. It also hears appeals of decisions of the CBSA made under the *Customs Act* and *SIMA* and of the Minister of National Revenue under the *Excise Tax Act*.

Program Activity: Adjudication of Trade Cases (quasi-judicial role)					
2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
6,071	7,104	6,899	57	53	4

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Fair, timely and transparent disposition of international trade cases and government-requested inquiries into economic,	Percentage of all decisions that are overturned by the Federal Court of Appeal and/or international appeal bodies.	Less than 2% of all decisions rendered are overturned by the Federal Court of Appeal and/or international appeal bodies.	Met all	The Tribunal's performance in this regard has to be measured over a five-year period to be meaningful. Between 2005-2006 and 2009-2010, 1.8% of the Tribunal's decisions were overturned by the Federal Court of Appeal. There have been no applications

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
trade and tariff matters within the Tribunal's jurisdiction.				by parties for review of the Tribunal's decisions before binational panels or the WTO dispute settlement panel in the last five years.
Tribunal's decisions are fair, impartial and based on quality information.	Percentage of decisions under judicial review dealing specifically with "due process" that are overturned by the Federal Court of Appeal and/or international appeal bodies.	Less than 1% of all decisions rendered are overturned by the Federal Court of Appeal and/or international appeal bodies on judicial review dealing specifically with "due process".	Exceeded	No decisions have been overturned on this ground over the last five years.
Information available to the public	Percentage of notices, decisions, guidelines for all areas of the Tribunal's mandate and practice notices that are accessible to the public through the Tribunal's Web site, the *Canada Gazette* or MERX.	100% of notices, decisions, guidelines for all areas of the Tribunal's mandate and practice notices are accessible to the public through the Tribunal's Web site, the *Canada Gazette* or MERX.	Met all	All notices, practice notices, decisions and guidelines for all areas of the Tribunal's mandate were distributed to interested parties in cases, published on the Tribunal's Web site and, in the case of notices, published in the *Canada Gazette* or on MERX.
Decisions rendered within statutory deadlines	Percentage of decisions[1] published within statutory deadlines.	100% of statutory deadlines are met.	Met all	In 2009-2010, 172 decisions on trade remedies and procurement cases were issued. All these decisions were issued within the statutory deadlines.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Decisions on appeals rendered within internal deadlines.	Percentage of decisions on appeals published within internal deadlines.	70% of internal deadlines are met.	Met all	Of the 11 appeal decisions issued in this fiscal year, 9 (82%) were issued within the self-imposed time frame, an improvement over the last fiscal year (45%).

1. During the fiscal year, the Tribunal adopted a new methodology for calculating the number of decisions subject to statutory deadlines, which came into effect in the 2009-2010 fiscal year. The adoption of this new methodology has been accounted for retroactively resulting in the following impact on comparative data for 2008-2009: the original number of 44 decisions stated in 2008-2009 has now been adjusted to 104 decisions.

Performance Analysis

Trade Remedies Cases

The Tribunal issued decisions following 5 preliminary injury inquiries, 4 final injury inquiries, 5 notices of expiry and 3 expiry reviews, for a total of 17 decisions subject to statutory deadlines. The Tribunal fully met its performance targets for meeting statutory deadlines and for making information available to the public.

Procurement Cases

At the end of the fiscal year, a record high of 154 procurement complaints had been received, and 10 were still outstanding from 2008-2009. The large influx of new cases can, in large part, be attributed to the increase in government procurement resulting from Canada's Economic Action Plan and to a greater awareness, in the marketplace, of the Tribunal's existence. In 2009-2010, the Tribunal had a total of 155 cases subject to statutory deadlines (7 cases were withdrawn and 2 were remanded). In all, the Tribunal fully met its performance target for meeting statutory deadlines and for making information available to the public.

Judicial Review

In rare cases, binational or international panels convened under international law are called upon to review Tribunal findings. In 2009-2010, the Tribunal maintained its strong record in terms of its decisions being upheld on judicial review.

Over a five-year period, the ratio of overturned decisions to decisions subject to judicial review or appeal was 1.8 percent for the period ending March 31, 2010, thereby meeting the Tribunal's target of less than 2 percent. None of the cases that have been overturned in the last five years dealt specifically with "due process", which exceeds the Tribunal's target of less than 1 percent of decisions that have been overturned for reasons of "due process". There have been no new applications by parties for the review of Tribunal decisions before binational panels or WTO dispute settlement panel in the last fiscal years. The following table shows the applications and disposal of requests for judicial review or appeals for the five-year period. In summary, the Tribunal maintained its strong record in terms of its decisions being upheld by national and international appeal bodies.

Treatment of Tribunal's Decisions Before the Federal Court of Canada

	5-year Period
Decisions subject to judicial review or appeal[1]	779
Decisions for which applications for judicial review or appeal were filed	85
Decisions for which applications for judicial review or appeal were withdrawn or discontinued	32
Decisions for which the applications for judicial review were dismissed	37
Decisions overturned[2]	14
Percentage of all decisions rendered that were overturned by the Federal Court of Appeal or an international appeal body	1.8%

1. For the purpose of this table, cases are all decisions and reports issued, including decisions not to initiate procurement inquiries. The number of cases corresponds to that of the caseload table found in the Tribunal's Annual Report and excludes withdrawals.
2. Overturned also includes decisions remanded to the Tribunal. No decisions were overturned for reasons of "due process" in the five-year period ending March 31, 2010.

Appeal Cases Issued Within Internal Deadlines

There is no legislative deadline imposed for decisions on appeals of decisions of the CBSA or of the Minister of National Revenue. However, the Tribunal has adopted an informal, voluntary internal standard of issuing such decisions within 120 days of the hearing of an appeal. Of the 11 appeal decisions issued in 2009-2010, 9 were published within the voluntary time frame. Moreover, the average time between the hearing and the decision has decreased, from 169.9 days in 2008-2009 to 89.3 days in 2009-2010. Because of competing priorities in the first part of 2009-2010, the Tribunal did not issue as many appeal decisions as in previous years. However, for the appeal decisions issued, its new standard processes enabled it to exceed its target for meeting internal deadlines.

Lessons Learned

1. Pre-hearing Conference

The Tribunal decided to hold a pre-hearing conference in one of its appeal cases in order to deal in advance with preliminary matters that are usually addressed at the beginning of a hearing. The issues that were addressed included, among other things, the qualification of witnesses, time allocation and the procedural rights of parties. The outcome was successful, as counsel involved in that particular case were able to reach a settlement before the hearing. It is a practice that the Tribunal intends to adopt on a more regular basis in the future in order to manage hearings more efficiently, while saving time and money for the Tribunal and the parties involved on a case.

2. Orders Issued for the Production of Questionnaires

In order to conduct its market analysis in the context of *SIMA* inquiries, the Tribunal must gather data from market participants such as domestic producers, importers and purchasers of particular goods. Some companies neglect or are reluctant to provide the information requested, even after multiple attempts by the Tribunal's staff to contact them. Over the last fiscal year, the Tribunal has adopted a more proactive approach and has issued orders more frequently when respondents fail to cooperate with the Tribunal. The experience has been positive as overall compliance with the requirement to complete questionnaires improved, Tribunal staff spent less time dealing with uncooperative respondents and more complete data were collected.

3. Trade Remedies and Procurement Case Management

During the year, the Tribunal contracted for an independent review of its trade remedies and procurement case processes. Overall, the results were very positive. The independent reviewers concluded the following: process management properly integrates the roles of the Research Branch, Legal Services and the Secretariat, meets legislative requirements and is responsive to the needs of members; an effective, rigorous and timely oversight process is in place; and senior management regularly deliberates on risk assessments. As well, there are appropriate performance measures linked to planned results and legislative requirements.

However, the review identified two matters for consideration.

The review recommended that the Tribunal document more fully certain of its processes and procedures to enable new staff to more effectively and efficiently contribute to the organization. In this regard, the Tribunal has reviewed its existing documentation and has decided, as a first step, to improve its documentation for expiries, expiry reviews and interim reviews of trade remedies cases.

The review also recommended that the Tribunal consider the need for a cost-benefit analysis for an integrated and automated case management system in support of trade remedies and procurement processes. The Tribunal is currently reviewing this recommendation. In the interim, it is making efforts to further automate its case management system and, wherever possible and desirable, to eliminate duplication and foster integration of existing systems.

Program Activity 2: General Economic Inquiries and References (advisory role)

The Tribunal inquires into and provides advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance. It also investigates requests from Canadian producers for tariff relief on imported textile inputs that they use in their production operations and makes recommendations to the Minister of Finance on the requests.

Program Activity: General Economic Inquiries and References (advisory role)					
2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
88	113	110	1	1	0

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Tribunal's recommendations on economic, trade, tariff matters and standing textile references are fair, impartial and based on quality information.	Percentage of recommendations and reports that meet the terms of reference and provide requested information.	100% of recommendations meet the terms of reference and provide requested information.	Met all	Two recommendations submitted to the Minister of Finance were accepted by the Government and no requests for additional information from the Minister of Finance were received.
Reports and recommendations to Government or Minister of Finance published within statutory deadlines.	Percentage of reports and recommendations to Government or Minister of Finance that are published within	100% of reports and recommendations are published within statutory deadlines.	Met all	During the fiscal year, the Tribunal issued 2 recommendations and both were issued prior to the deadlines mandated

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
	statutory deadlines.			by the Government in the terms of reference for the standing textile reference.

Performance Analysis

The Tribunal normally issues its recommendations, with reasons, to the Minister of Finance within 100 days from the date of commencement of the inquiry. In exceptional cases, where the Tribunal determines that critical circumstances exist, it will issue its recommendations within an earlier specified time frame.

During the 2009-2010 fiscal year, the Tribunal did not receive any requests for tariff relief. With regard to two requests received in the previous fiscal year, the Tribunal met its performance target in respect of content and its target in respect of deadlines.

Program Activity 3: Internal Services

The Tribunal's internal services program activity includes the following key functions and costs that support the Tribunal: senior management, strategic planning, finances, human resources, procurement, materiel management, accommodation, security and information management/information technology support.

Program Activity: Internal Services					
2009-2010 Financial Resources ($ thousands)			2009-2010 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned	Actual	Difference
3,371	4,060	3,943	24	24	0

Performance Analysis

In 2009-2010, the Tribunal's supporting priorities remained investment in its people, sound management practices and improved service delivery.

Under investment in its people, the Tribunal increased its recruitment activities in response to the increase in workload resulting from the global economic downturn and offered many training and development opportunities to all its current and new employees.

Sound management practices were further reinforced through the integration of the MAF into the Tribunal's day-to-day management. In response to the recommendations resulting from the 2008-2009 MAF final report, the Tribunal's management team drafted a management action plan. By the end of 2009-2010, most of the recommendations had been implemented, and all remaining recommendations will be completed in 2010-2011. Also, the Tribunal used its case status report to develop a more integrated information management system to track all case work, case statistics and the Tribunal's performance on case work. This integrated system will increase efficiency, provide regular performance feedback to management and allow for corrective measures if needed.

The Tribunal developed an integrated information technology plan and continued the development of the ToolKit system. However, the development of its Information Technology Architecture Plan was postponed until 2010-2011 in order to be able to utilize the new integrated information technology plan as a roadmap.

Lesson Learned

In 2009-2010, the Tribunal realized more than ever the importance of good planning, as it managed an exceptionally large volume of cases. The Tribunal considers that cornerstones of good planning are of course the Report on Plans and Priorities and the Departmental Performance Report. In addition, the Tribunal uses a range of other tools to ensure good long-term and short-term planning. At its September 2009 planning meeting, the Tribunal developed a strategic plan for 2010-2013, which is published on its Web site. On a quarterly basis, the Tribunal reviews its risks and plans, and amends them as appropriate and necessary. Important changes are reported in the DPR. On a bi-weekly basis, the Tribunal reviews its case work and takes remedial action as necessary.

Benefits to Canadians

The Tribunal continued to focus its attention on its four key corporate priorities, which are to process cases within statutory deadlines and maintain quality standards, to improve service delivery, to invest in its people and to apply sound management practices. All these priorities supported its strategic outcome, which is a fair, timely and transparent disposition of international trade cases, procurement cases and government-mandated inquiries within the Tribunal's jurisdiction. For Canadian manufacturers and producers, this represents access to fair and efficient processes for investigating complaints of injury caused by unfairly traded imports, for investigating complaints on designated federal government procurement processes and for hearing appeals on customs and excise matters. For the Government, the Tribunal provides reliable economic and trade analyses and advice which enable it to make sound and informed decisions about the Canadian economy. Through the above, the Tribunal contributes to a favourable environment for a fair and secure trading system for individual Canadians and the Canadian business sector.

SECTION III—SUPPLEMENTARY INFORMATION

Financial Highlights

($ thousands)

Condensed Statement of Financial Position

At End of Year (March 31, 2010)

	% Change	2010	2009
Assets[1]			
Total Assets	(1.9)	1,212	1,267
Total	**(1.9)**	**1,212**	**1,267**
Liabilities			
Total Liabilities	13.5	2,996	2,639
Equity			
Total Equity	21.7	(1,784)	(1,372)
Total	**(1.9)**	**1,212**	**1,267**

1. During the year, the Tribunal adopted the revised Treasury Board accounting policy TBAS 1.2: Departmental and Agency Financial Statements, which is effective for the Tribunal for the 2009-2010 fiscal year. The major change in the accounting policies of the Tribunal required by the adoption of the revised TBAS 1.2 is the recording of amounts due from the Consolidated Revenue Fund as an asset on the Statement of Financial Position. The new Treasury Board accounting policies have been accounted for retroactively with the following impact on comparatives for 2009-2010:

	2009 As Previously Stated	Effect of Changes ($ thousands)	2009 Restated
Statement of Financial Position:			
Assets	476	791	1,267
Equity of Canada	(2,163)	791	(1,372)

Condensed Statement of Operations

For the Year (Ended March 31, 2010)

	% Change	2010	2009
Expenses			
Total Expenses	16.8	14,167	12,133
Revenues			
Total Revenues	100	2	1
Net Cost of Operations	**16.7**	**14,165**	**12,133**

Financial Statements

The Tribunal's financial statements are available at http://www.citt-tcce.gc.ca/publicat/index5_e.asp.

Contact for Further Information and Web Site

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Legislation Governing the Work of the Canadian International Trade Tribunal

Canadian International Trade Tribunal Act	R.S.C. 1985 (4th Supp.), c. 47
Customs Act	R.S.C. 1985 (2d Supp.), c. 1
Excise Tax Act	R.S.C. 1985, c. E-15
Special Import Measures Act	R.S.C. 1985, c. S-15
Canadian International Trade Tribunal Regulations	S.O.R./89-35
Canadian International Trade Tribunal Procurement Inquiry Regulations	S.O.R./93-602
Canadian International Trade Tribunal Rules	S.O.R./91-499

Tribunal Publications

For a complete list of Tribunal publications, please see the Tribunal's Web site at http://www.citt-tcce.gc.ca/publicat/index_e.asp.